

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIMOTHY BURKE, DAWN BURKE
RUSSELL L. SMITH, and
SHIRLEY HOPE SMITH,

Plaintiffs,

vs.

HSBC BANK, USA, NATIONAL
ASSOCIATION, QUALITY LOAN
SERVICE CORP., LITTON LOAN
SERVICING, LP, CARRINGTON
MORTGAGE SERVICE, LLC,
FIRST AMERICAN TITLE COMPANY,
FIRST CENTENNIAL TITLE COMPANY,
and DOES 1 – 10 and Corporations A –
Z;

Defendants.

CASE NO.: 3:09-CV-00653 RCJ-VPC

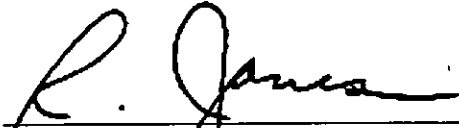
**ORDER FOR TEMPORARY STAY AS
TO PLAINTIFFS RUSSELL AND
SHIRLEY SMITH**

A Hearing was held on December 14, 2010, in front of the Honorable Robert C. Jones, on Defendant Litton Loan Servicing's Motion to Dismiss (Doc. #50); Defendant Carrington Mortgage Services' Motions to Dismiss for Failure to State a Claim for Relief or, in the Alternative, for More Definite Statement and/or to Strike Portions of Complaint (Doc. #35 and Doc. #52); Defendant First American Title's Motion to Dismiss (Doc. #48); Plaintiffs' Motion to Remand to State Court (Doc. #12); Defendant Quality Loan Service's Motion to Dismiss (Doc. #49); Defendant Mortgage Electronic Registration Service's Motion to Stay and for Extension of Time to Answer or Otherwise Respond to the Complaint Pending a Decision on Transfer by the Judicial Panel on

1 Multidistrict Litigation (Doc. #33); and Defendant Quality Loan's Motion to Dismiss
2 (Doc. #31).

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4 Upon hearing argument from Counsel, and based upon Counsel's representation
5 that a foreclosure sale has not occurred on Plaintiffs' Russell and Shirley Smith; IT IS
6 HEREBY ORDERED that a Stay is granted as to Plaintiffs Russell and Shirley Smith ,
7 and for a period of one hundred (100) days from the date of this Hearing, contingent
8 upon the following: (1) The Smiths and Defendants Carrington and Quality Loan shall
9 participate in a foreclosure mediation program for loan modification. Defendant shall
10 have present at the mediation a person with authority to modify the Smith's loan on the
11 subject property, and (2) Plaintiffs Russell and Shirley Smith shall make monthly
12 payments during the pendency of this Temporary Stay Order, with the first payment
13 being due no later than fifteen (15) days from the date of this Hearing and every thirty
14 (30) days thereafter.

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16 DATED this 19th day of January, 2011.

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19 DISTRICT JUDGE
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